

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Marcus O'Neal Smith**

**Docket No. 7:04-CR-43-1F**

**Petition for Action on Supervised Release**

COMES NOW Kristyn Super, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Marcus O'Neal Smith, who, upon an earlier plea of guilty to Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on August 2, 2004, to the custody of the Bureau of Prisons for a term of 150 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Marcus O'Neal Smith was released from custody on November 3, 2015, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On May 31, 2016, the defendant submitted to a urinalysis screening, which was confirmed positive for cocaine by Alere Laboratories on June 7, 2016. As a result of the positive test, the defendant will begin outpatient substance abuse treatment on June 14, 2016 and as he is already participating in the Surprise Urinalysis Program, that testing has been increased to the highest level.

As a sanction for the violation conduct, the probation officer recommends that the defendant be placed in the DROPS Program, beginning at the second use level, and that he be confined to the Bureau of Prisons for two days.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Marcus O'Neal Smith  
Docket No. 7:04-CR-43-1F  
Petition For Action  
Page 2

Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Kristyn Super  
Kristyn Super  
U.S. Probation Officer  
200 Williamsburg Pkwy, Unit 2  
Jacksonville, NC 28546-6762  
Phone: 910-346-5104  
Executed On: June 10, 2016

**ORDER OF THE COURT**

Considered and ordered this 13 day of June, 2016, and ordered filed and  
made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge